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January 23, 2014

Via ECF

Honorable James Orenstein
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Aleph Towers, LLC et al v. Ambit Texas, LLC, et al*, No. 12- cv-3488
**Plaintiffs' Counsel Request For a Pre-motion Conference Before
Filing a Motion to Withdraw as Yuri Kasparov's Attorneys of
Record**

Your Honor:

Hymowitz Law Group, PLLC (HLG) respectfully requests the Court's leave to file a motion under Local Civil Rule 1.4 to withdraw as Yuri Kasparov's attorneys of record in this case.¹ The reasons for the withdrawal request fall into several categories for permissive withdrawal under NY Rule of Professional Conduct 1.16(c). Given the present procedural posture of the case, the withdrawal can be accomplished without material adverse effect to Mr. Kasparov's interests in this matter.²

Mindful of the potential disclosure of privileged information, HLG asks for permission to file the motion to withdraw as attorneys of record and any supporting documents under seal and for the service on all parties (other than Mr. Kasparov) to be excused. Such sealed filings are contemplated by the Committee Note to Local Civil Rule 1.4.³ HLG believes that the sealed filing (and a possible in camera review) of the requested motion is warranted to protect attorney-client privilege.

Additionally, HLG respectfully requests that the deadline for filing a letter motion seeking leave to issue subpoenas to non-parties in furtherance of the limited jurisdictional discovery currently set for February 4, 2013 be postponed by thirty (30) days to permit the resolution on the motion to withdraw as attorneys of record.

¹ HLG is not seeking to withdraw as Aleph Towers' attorneys of record.

² NY Rule of Professional Conduct 1.16(c)(1).

³ "The Committee recommends that Local Civil Rule 1.4 be amended to require that the affidavit in support of a motion to withdraw state whether or not a retaining or charging lien is being asserted, and to clarify that all applications to withdraw must be served upon the client and (unless excused by the Court) upon all other parties. This is not meant to preclude the Court from permitting the reasons for withdrawal to be stated in camera and under seal in an appropriate case." (Emphasis added.)

HLG conferred with Defendants' counsel and Defendants do not object to the requested relief. Also, Plaintiff Aleph Towers does not object to the requested relief. (In fact, Aleph Towers and Defendants are presently in discussion concerning the possibility of submitting Aleph's dispute to arbitration.)

Accordingly, HLG respectfully asks the Court for the following relief:

(1) To file a motion to withdraw as Mr. Kasparov's attorneys of record in this case;

If the Court grants leave to file the requested motion,

(2) To file the motion to withdraw and supporting documents under seal and to excuse service on all parties other than Mr. Kasparov; and

(3) To adjourn the deadline for filing a letter motion seeking leave to issue subpoenas to non-parties in furtherance of the limited jurisdictional discovery by thirty (30) days.

Respectfully submitted,

/s/ Daniel Hymowitz

Daniel Hymowitz

cc: All counsel of record (*via ECF*)
Yuri Kasparov (*via e-mail and FedEx*)

CERTIFICATE OF SERVICE

I certify that on January 23, 2014, a true and correct copy of the foregoing document has been served on all counsel of record by ECF. I also certify that the foregoing document has been e-mailed to Mr. Kasparov and sent to him via Federal Express to his last known address.

/s/ Daniel Hymowitz

Daniel Hymowitz

CERTIFICATE OF CONFERENCE

Pursuant to Your Honor's Individual Rule III.A.1, HLG conferred with Defendants' counsel and Defendants do not oppose the requested relief. Likewise, Aleph Towers does not oppose the requested relief. HLG and Mr. Kasparov reached an impasse and Mr. Kasparov has not knowingly and freely assented to terminate HLG's employment.

/s/ Daniel Hymowitz

Daniel Hymowitz